



# MEMO ENDORSED U.S. Department of Justice

*United States Attorney  
Southern District of New York*

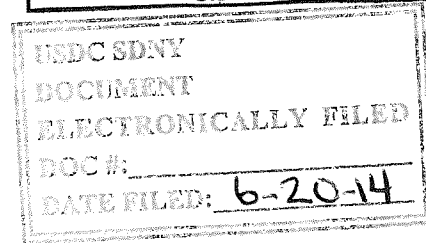
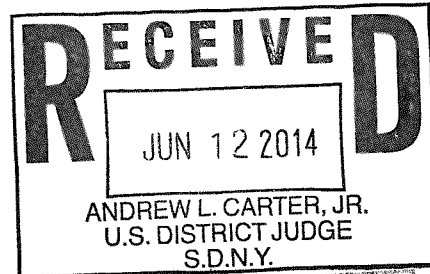
*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

June 12, 2014

## BY ELECTRONIC MAIL

The Honorable Andrew L. Carter, Jr.  
United States District Judge  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square, Room 435  
New York, New York 10007  
ALCarterNYSDChambers@nysd.uscourts.gov

Re: United States v. Ceglia,  
12 Cr. 876 (ALC)



Dear Judge Carter:

The Government writes to respectfully request a briefing schedule in response to defendant Paul Ceglia's June 9, 2014 letter-motion requesting that the Court issue pretrial subpoenas, pursuant to Federal Rule of Criminal Procedure 17(c), to Mark Zuckerberg, Facebook, Inc. and Harvard University. The Government intends to file a response on or before June 30, 2014.

During a conversation on June 11, 2014, counsel for Ceglia informed the Government that he could not consent to a briefing schedule because he is of the view that the Government does not have standing to object to a request for third-party subpoena. As the Government intends to address more fully in its opposition to the defendant's request for subpoenas, the Government has standing to oppose or move to quash improper Rule 17(c) subpoenas. (United States v. Giampa, 1992 WL 296440 (S.D.N.Y. Oct. 7, 1992), at \*1-2 (party to criminal case has standing to move to quash Rule 17(c) subpoena to another if subpoena infringes on movant's "legitimate interests"); U.S. v. Chen De Yian, 1995 WL 614563 (S.D.N.Y. October 19, 1995), at \*2; see U.S. v. Bunday, 908 F. Supp. 2d 485, 492 (S.D.N.Y. December 10, 2012). As the adverse party in the litigation in which an improper Rule 17(c) subpoena has been requested, the Government clearly has standing to challenge any such a request, as it has a "legitimate interest" in seeing that the parties to the case comply with applicable federal law, including Federal Rule of Criminal Procedure 16.

Ceglia's counsel further informed the Government that, to the extent the Court sets a briefing schedule, he requests one week to reply to the Government's brief.

Honorable Andrew L. Carter, Jr.  
June 12, 2014  
Page 2

Thank you for your consideration of this request.

Respectfully submitted,

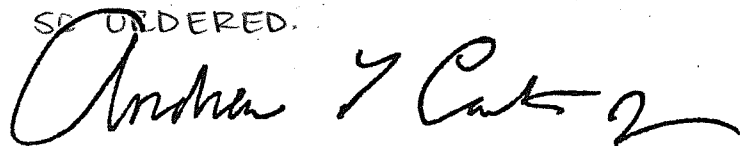
PREET BHARARA  
United States Attorney

By: /s/  
Janis M. Echenberg / Christopher D. Frey  
Assistant United States Attorneys  
(212) 637-2597 / 2270

The Government's request to file a brief  
opposing Defendant's requests for pre-trial  
subpoenas is GRANTED. The parties should  
follow the briefing schedule below.

Government's opposition - June 30, 2014  
Defendant's reply - July 8, 2014

SO ORDERED.

  
6-20-14

cc: David Patton, Esq. (*Counsel for Paul Ceglia*)